

S/N 10/697,788

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. BULLINGER	Examiner:	Phi Dieu Tran A
Serial No.:	10/697,788	Group Art Unit:	3637
Filed:	October 30, 2003	Docket No.:	10226.0010US11
Customer No.	23552	Confirmation No.	1146
Title:	GUTTER AND COVER SYSTEM		

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**REPLY TO NOTICE OF  
NON-COMPLIANT APPEAL BRIEF**

Mail Stop APPEAL BRIEF-PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief mailed August 2, 2011, please amend the above-referenced application as follows:

**Amendments to the Summary of the Claimed Subject Matter** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

An **Appendix** including the omitted claim 10 is attached as page 5 of this paper.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

A summary of the claimed invention follows. The summary includes references to an embodiment disclosed in the specification.

Independent claim 8 is directed to a seamless gutter and cover system 110 shown in Figure 8. A gutter 124 formed from the first coil of material has a front face 119, a bottom 115 and a rear portion 117 extended upward to a top segment. A cover 122 is formed from the second coil of material. The cover 122 extends over the gutter 124 and has a debris separation portion 112, extending above the front face of the gutter, and a lip portion 114 extending upward and wrapping over the top segment of the gutter. The top segment of the gutter 124 and the flange portion of the gutter are continuously crimped together along the entire length to interlock top segment of the gutter to the flange portion of the cover. The lip portion 120 of the cover 122 and a top segment of the rear portion 117 of the gutter 124 are pressed together along their entire length to form an integral gutter and cover assembly 110. See page 7, lines 16 – page 8, line 2.

Independent claim 10 is directed to a seamless gutter and cover system 110 shown in Figure 8. A gutter 124 is formed from a first coil of material having a front face 119, a bottom 115 and a rear portion 117 extending upward to a top segment. A cover 122 is formed from a second coil of material. A cover 122 extends over the gutter 124 and has a debris separation portion 112 extending above the front face of the gutter. A lip portion 114 extends upward and wraps over the top segment of the gutter. The top segment of the gutter and the flange portion of the cover are continuously crimped together along their entire length to interlock the top segment of the gutter with the flange portion of the gutter. See page 7, lines 16 - page 8, line 2.

Independent claim 22 is directed to a seamless gutter and cover system 110 as shown in Figure 8. A gutter 124 has a front face 119 including a curving front portion 120 extending rearward and downward, a bottom 115 and a rear portion 117 extending upward to a top segment. An integral cover 122 extends over the gutter, having a curving front portion 125

extending downward above the front face of the gutter, a concave pooling portion or energy dispersing portion 118 intermediate the rear portion 117 of the gutter with a curving front portion of the gutter 125. A lip portion 114 extends upward and wraps over the top segment 117 of the gutter. The lip portion 114 and the top segment 117 are continuously crimped together along their entire length to join the cover and the gutter to form an integral gutter and cover assembly 110. This is described at page 7, line 16 – page 8, line 2.

**Remarks**

Applicant has read and considered the Notice of Non-Compliant Appeal Brief dated August 2, 2011. The Summary of the Claimed Subject Matter has been amended and now includes the previously omitted claim 10 with the page and line number citations from the original specification. Reconsideration is hereby requested.

Applicant asserts that the claims patentably distinguish over the prior art when the description of the prior art is correctly considered. Applicant requests that the present Petition be granted and that the Examiner's rejections over *Knudson* and the other prior art be reversed, and that the pending claims be allowed.

Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: \_\_\_\_\_

9/2/11

By: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Gregory A. Sebald", written over a horizontal line.

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Independent claim 10 is directed to a seamless gutter and cover system 110 shown in Figure 8. A gutter 124 is formed from a first coil of material having a front face 119, a bottom 115 and a rear portion 117 extending upward to a top segment. A cover 122 is formed from a second coil of material. A cover 122 extends over the gutter 124 and has a debris separation portion 112 extending above the front face of the gutter. A lip portion 114 extends upward and wraps over the top segment of the gutter. The top segment of the gutter and the flange portion of the cover are continuously crimped together along their entire length to interlock the top segment of the gutter with the flange portion of the gutter. See page 7, lines 16 - page 8, line 2.